

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

TERRY and TIFFANY HARDEN,)
individually and as the parents)
and natural guardians of the)
minor child, C.H.,)

Plaintiffs,)

vs.)

BASIC HOME INFUSION, INC.,)
and HELEN BROWN,)

Defendants.)

Case No.: 2:15-CV-0026-WTL-MJD

DEMAND FOR JURY TRIAL

COMPLAINT

The Plaintiffs, Terry and Tiffany Harden, individually and as the parents of the minor child, C.H. (collectively “the Hardens”), by counsel, for their Complaint against the Defendants, Basic Home Infusion, Inc. and Helen Brown, allege as follows:

NATURE OF THE ACTION

1. By this action, the Hardens seek to recover damages caused by the negligent medical care rendered to the minor child by Basic Home Infusion, Inc. and Helen Brown.

JURISDICTION AND VENUE

2. This Court has diversity jurisdiction over the allegations in this Complaint pursuant to 28 U.S.C. § 1332 because the matter in controversy exceeds

the sum of \$75,000, exclusive of interest and costs, and arises between citizens of different states.

3. The Hardens are citizens of the United States and are domiciled in the State of Indiana.

4. Defendant Basic Home Infusion, Inc. is a corporation that was incorporated in and maintains its principal place of business in the State of New Jersey.

5. Defendant Helen Brown is a citizen of the United States is domiciled in the State of Illinois.

6. This Court has personal jurisdiction over the Defendants on the grounds that the Defendants are or were conducting business in the State of Indiana.

7. Venue properly lies in this district pursuant to 28 U.S.C. § 1391 because a substantial part of the events or omissions giving rise to the claim occurred in this judicial district, i.e., Vigo County, Indiana.

FACTUAL ALLEGATIONS

8. Terry and Tiffany Harden are the biological parents of C.H., a minor child, and the Hardens reside in Vigo County, Indiana.

9. Basic Home Infusion, Inc. advertises that it is a highly specialized national home infusion company.

10. Basic Home Infusion, Inc. advertises that it only hires and employs registered nurses who are specifically trained to refill and program intrathecal

pumps. It states that its nurses “receive extensive training and their experience is unparalleled in the industry.”

11. Helen Brown is a registered nurse licensed in Indiana and Illinois.

12. At the time of rendering care to C.H., Brown was employed by Basic Home Infusion, Inc.

13. Alternatively, Brown was the apparent agent for Basic Home Infusion, Inc.

14. On February 8, 2014, Brown provided in-home medical care to C.H. at his family’s residence located in Vigo County, Indiana.

15. In attempting to fill the child’s intrathecal baclofen pump, Brown negligently missed the pump and injected the medication into the child’s surrounding tissues.

16. As a result of Brown’s negligence, the child suffered a baclofen overdose.

COUNT I **NEGLIGENCE**

For Count I of their Complaint against Basic Home Infusion, Inc. and Brown, the Hardens state:

17. The Hardens incorporate by reference and re-allege paragraphs 1 - 16 of their Complaint.

18. Basic Home Infusion, Inc. and Brown owed a duty to C.H. to comply with the standard of care in rendering medical care to him.

19. Basic Home Infusion, Inc. and Brown breached that duty by allowing their conduct to fall below the applicable standard of care.

20. As a direct and proximate result of the negligence of Brown and Basic Home Infusion, Inc., by its agents and/or employees, C.H. has suffered damages including but not limited to physical injuries, pain and suffering, emotional distress, and long-term risk and injuries.

21. As a direct and proximate result of the negligence of Brown and Basic Home Infusion, Inc., by its agents and/or employees, Terry and Tiffany Harden have suffered damages including but not limited to the loss of services of their minor child, loss of wages, medical expenses, emotional distress, and personal expenses relating to the child's injuries.

COUNT II
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

For Count II of their Complaint against Basic Home Infusion, Inc. and Brown, the Hardens state:

22. The Hardens incorporate by reference and re-allege paragraphs 1 - 21 of their Complaint.

23. Brown and Basic Home Infusion, Inc. owed a legal duty to C.H., and the Defendants breached that duty.

24. As a proximate cause of the Defendants' breach, C.H. suffered severe emotional distress and mental anguish.

25. Terry Harden was physically present with C.H. and Brown at the time of the breach and witnessed the breach.

26. Tiffany Harden was in the home at the time of the breach and present with the child shortly thereafter.

27. The Hardens witnessed their son's physical reactions to the overdose.

28. The Hardens witnessed their son being rushed to the emergency room, becoming unresponsive, and then being airlifted to Riley Children's Hospital and being in a coma.

29. As a proximate result of the Defendants' negligence, the Hardens suffered severe emotional distress and mental anguish.

30. Terry, Tiffany, and C.H. suffered severe emotional distress and mental anguish as a direct result of the Defendants' negligence, and they seek all damages available to them under Indiana law.

COUNT III
NEGLIGENT HIRING, TRAINING, AND SUPERVISION

For Count III of their Complaint against the Defendant, Basic Home Infusion, Inc., the Hardens state:

31. The Hardens incorporate by reference and re-allege paragraphs 1 - 30 of their Complaint.

32. Basic Home Infusion, Inc. made an express representation that it only hires specially trained nurses to fill intrathecal pumps.

33. Basic Home Infusion, Inc. had a duty to ensure that Brown was trained and competent to provide medical care to C.H.

34. Basic Home Infusion, Inc. breached that duty.

35. As a proximate result of that breach, the Hardens have been substantially damaged, as stated this Complaint.

WHEREFORE, the Plaintiffs, Terry and Tiffany Harden, individually and as parents and natural guardians of the minor child, C.H., by counsel pray for judgment against the Defendants, Basic Home Infusion, Inc., and Helen Brown, for all damages available to them pursuant to Indiana state law.

JURY DEMAND

The Plaintiffs, Terry and Tiffany Harden, individually and as parents and natural guardians of the minor child, C.H., by counsel, demand a jury trial on the issues set forth in this complaint pursuant to Fed. R. Civ. P. 38.

Respectfully Submitted,

s/ Holly A. Reedy

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